

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEWITT THOMAS SMITH, JR.,

Plaintiff,

v.

COSTOM MUSIC CORP. and CHARMAN  
OF KUSTOM CORP.,

Defendants.

NO. 3:07-CV-01370

(JUDGE CAPUTO)

**MEMORANDUM**

Plaintiff Dewitt Thomas Smith, Jr., filed the present action on July 27, 2007. (Doc. 1.) Plaintiff has not paid the filing fee. On February 10, 2003, in connection with another case, the Court prohibited Mr. Smith from filing any new actions *in forma pauperis* unless he met the statutory exceptions outlined in Title 28 of the United States Code, Section 1915(g). *Smith v. Equil Bank & President*, No. 3:03-CV-0006 (M.D. Pa. Feb. 10, 2003). The Court reiterated the prohibition on October 25, 2004. *Smith v. United States Army*, No. 3:04-CV-2308 (M.D. Pa. Oct. 25, 2004). In the present action, Mr. Smith has not alleged any imminent danger of serious physical injury. As such, the Court finds that, consistent with its previous Orders and Section 1915(g), Mr. Smith does not qualify for *in forma pauperis* status. Accordingly, the Plaintiff is required to pay any required filing fees.

An appropriate Order shall follow.

July 31, 2007

Date

/s/ A. Richard Caputo

A. Richard Caputo  
United States District Judge

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**ORDER**

**NOW**, this 31<sup>st</sup> day of July, 2007, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff has thirty (30) days to pay the filing fee.
- (2) The Clerk of the Court shall mark this case **CLOSED** if payment is not received within thirty (30) days of the date of this Order.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge